

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

QUANG D. NGUYEN,

Plaintiff,

v.

LOUIS DEJOY, Postmaster General,

Defendant.

Case No. CIV-22-1102-D

ORDER

Before the Court is Defendant's Motion to Dismiss challenging the sufficiency of Plaintiff's original pleading pursuant to Federal Rule of Civil Procedure 12(b)(6). [Doc. No. 11]. In response to the Motion, Plaintiff has timely filed an amended pleading as authorized by Fed. R. Civ. P. 15(a)(1)(B). This amendment "supersedes the original and renders it of no legal effect." *Davis v. TXO Prod. Corp.*, 929 F.2d 1515, 1517 (10th Cir. 1991) (internal quotation omitted); see *Predator Int'l, Inc. v. Gamo Outdoor USA, Inc.*, 793 F.3d 1177, 1180-81 (10th Cir. 2015); *Mink v. Suthers*, 482 F.3d 1244, 1254 (10th Cir. 2007). Thus, Defendant's Motion is moot.

IT IS THEREFORE ORDERED that Defendant's Motion to Dismiss [Doc. No. 11] is **DENIED** without prejudice to resubmission, if appropriate, in response to the First Amended Complaint [Doc. No. 12].

IT IS SO ORDERED this 24th day of May, 2023.



TIMOTHY D. DeGIUSTI

Chief United States District Judge